

UNITED STATES U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------------|----|-----------------------|
| ----- | X | |
| IN RE: KEURIG GREEN MOUNTAIN | : | ECF Case |
| SINGLE SERVE COFFEE ANTITRUST | : | |
| LITIGATION | : | 1:14-md-2542-VSB-HBP |
| | : | |
| | : | MDL No. 2542 |
| | : | |
| ----- | X: | |
| JBR, Inc. (D/B/A ROGERS FAMILY | : | |
| COMPANY), | : | 1:14-cv-04242-VSB-HBP |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| KEURIG GREEN MOUNTAIN, INC. | : | |
| (F/K/A GREEN MOUNTAIN COFFEE | : | |
| ROASTERS, INC. AND AS SUCCESSOR | : | |
| TO KEURIG, INC.), | : | |
| | : | |
| Defendant. | : | |
| | X | |
| ----- | | |

**SUPPLEMENTAL DECLARATION OF LARRY STEWART IN SUPPORT OF
PLAINTIFF’S REPLY BRIEF RE MOTION FOR A PRELIMINARY INJUNCTION**

1. I have been retained as an expert by JBR, Inc., d/b/a Rogers’ Family Co. I have been asked to provide this Declaration in *JBR, Inc., d/b/a Rogers’ Family Co. v. Keurig Green Mountain, f/k/a Green Mountain Coffee Roasters*, CASE NO. 1:14-cv-04242-VSB, pending in the United States District Court for the Southern District of New York.

Qualifications

2. My qualifications were addressed in the Declaration of Larry Stewart in Support of Plaintiff's Motion for a Preliminary Injunction. I incorporate those disclosures by reference into this report.

Material Reviewed

3. The material I reviewed in preparing this declaration includes all material listed in paragraphs 16-19 of the Declaration of Larry Stewart in Support of Plaintiff's Motion for a Preliminary Injunction. Additionally, I have reviewed:

- a. Vol. 2 of the Deposition of Mr. Sullivan, dated 8/22/2014
- b. Vol. 2 of the Deposition of Mr. Manly, dated 8/22/2014
- c. Keurig's Memo in Opp to JBR's Motion for a Prelim Injunction

Opinion

4. I incorporate by reference my previously expressed opinions and supporting material. It continues to be my opinion that:

- a. [REDACTED]
- b. [REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. This is consistent with my earlier described experimentation, *e.g.*, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. As further evidence, I performed additional testing on the Vue Packs.

8. As described in my prior declaration, ¶¶ 33-38, [REDACTED]

[REDACTED]

[REDACTED]

9. The 2.0 Vue packs are designed such that the combination of the foil lid, and the coffee within the filter bag can be removed from the outer plastic shell. Interestingly, the Vue pack with the outer shell removed closely resembles the Rogers' OneCup.





10. As shown, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. In other words, [REDACTED]

[REDACTED]

12. Further, it is my opinion that [REDACTED]

[REDACTED]

13. It is also my understanding that [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

14. Finally, I have been asked if there is a feasible way that Keurig could disable the
lockout feature of their 2.0 brewers. [REDACTED]

15. [REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18. According to Keurig, [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

19. Reconfiguring the 2.0 brewers [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. In my opinion, [REDACTED]

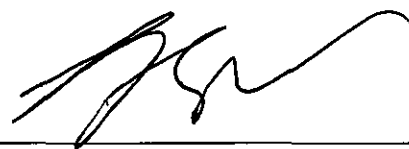
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dated: September 2, 2014

By: 
Larry Stewart